

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

FOR THE

District of

MASSACHUSETTS

case
when
served

PHARMASTEM THERAPEUTICS, INC.
Plaintiff

SUMMONS IN A CIVIL CASE

V.

VIACELL, INC., OBSTETRICAL AND GYNECOLOGICAL
ASSOCIATES, P.A., FEMPARTNERS, INC., and
CARITAS ST. ELIZABETH'S MEDICAL CENTER
OF BOSTON, INC.,
Defendants

CASE NUMBER: 04-CV-11673 RWZ

TO: (Name and address of Defendant)

ViaCell, Inc.
c/o Marc D. Beer, Registered Agent
131 Clarendon Street
Boston, MA 02116

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

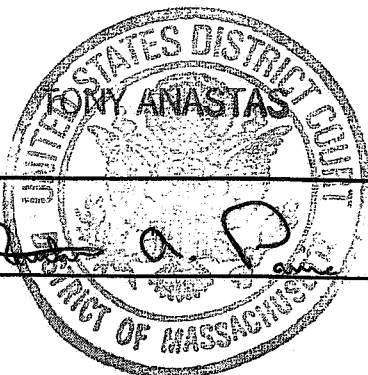
Daniel J. Kelly, Esquire
Gadsby Hannah LLP
225 Franklin Street
Boston, MA 02110

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK



8/10/2004

RETURN OF SERVICE

Service of the Summons and Complaint was made by me (1)

DATE

August 10, 2004

NAME OF
SERVER

BURTON M. MALKOFSKY

TITLE

Process Server / A Disinterested Person

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

, MASSACHUSETTS

☐ Left copies thereof at the defendant's dwelling or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left:

Said service was made at:

, MASSACHUSETTS

☒ Other: By handing true and attested copies thereof to Mr. Chris Adams, Senior Vice President and
Duly Authorized Agent for the within-named Defendant, ViaCell, Inc.

Said service was made at:

245 First Street, Cambridge

, MASSACHUSETTS

STATEMENT OF SERVICE FEES

SERVICE FEE \$ 68.00 2 Trips

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on August 10, 2004
Date

Signature of Server

One Devonshire Place, Boston, Massachusetts
Address of Server

ADDITIONAL INFORMATION

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE 2 ATTEMPTS BEFORE MAKING PROPER SERVICE.

Date	Time	Remarks	FEE
8/10/04	3:20p.m.	No service at 131 Clarendon St., Boston, Ma. - Said address is an office bldg. where ViaCell, Inc. is listed on the Directory but their office is vacant.....	\$ 34.00
After contacting your Office Process Server was instructed to make service at 245 First St., Cambridge, Ma...			\$
8/10/04		Service was made at 245 First St., Cambridge, Ma.....	\$ 34.00
TOTAL			\$ 68.00

Also served:

- Civil Action Cover Sheet
- Category Sheet
- Amended Complaint for Patent Infringement and Demand for Jury Trial

(1) As to who may serve a summons see Rule 4 to the Federal Rules of Civil Procedure.